

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BOBBY L. TATE,

Petitioner,

-vs-

Case No. 15-C-1469

**WILLIAM POLLARD, Warden,
Waupun Correctional Institution,**

Defendant.

DECISION AND ORDER

Bobby Tate moves to hold this petition under 28 U.S.C. § 2254 in abeyance so he can present unexhausted claims in Wisconsin State Court. The Court finds that there is good cause for the stay, and the unexhausted claims are potentially meritorious. *Rhines v. Weber*, 544 U.S. 269 (2005). Therefore, Tate's motion to stay [ECF No. 3] is **GRANTED**, conditioned upon Tate commencing state court exhaustion proceedings within 120 days and returning to this Court within 60 days of completing such exhaustion.

Tate also filed a motion for leave to proceed *in forma pauperis*, but then he paid the filing fee, so this motion [ECF No. 2] is **DENIED** as moot.

Finally, the Clerk of Court is directed to **CLOSE** this case for administrative purposes. It can be reopened upon motion by the petitioner once the state court process has concluded.

Dated at Milwaukee, Wisconsin, this 20th day of January, 2016.

SO ORDERED:



HON. RUDOLPH T. RANDA
U.S. District Judge